

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Second appeal no. 189 of 2001
(Old no. 569 of 1998)**

Sattar S/o Sharif Ahmad
R/o village Mahitpur Pargana Bhagwanpur
Tehsil Roorkee
District Haridwar
....Appellant

Vs

Majid S/o Mangta
R/o Village Shantershah Pargana &
Tehsil Roorkee
District Haridwar
...Respondents

Sri Alok Singh learned senior Advocate Appearing on behalf of the appellant
Sri Sharad Sharma, learned counsel for the respondent

Hon'ble B.C. Kandpal, J.

This appeal has been preferred by plaintiff against the judgment and decree dated 05.02.1998 passed by the Civil Judge, Senior Division, Roorkee, District Haridwar in Civil Appeal No. 30 of 1995 arising out against the judgment and decree dated 23.09.1995 passed by Civil Judge (J.D.), Roorkee, District Haridwar in Original Suit No. 312 of 1991.

2. Brief facts of the case are that the appellant filed a suit before the Civil Judge (Junior Division) , Haridwar who dismissed the suit vide judgment and decree dated 23.09.1995.

3. Feeling aggrieved by the aforesaid judgment, the plaintiff/appellant preferred an appeal before the first appellate court which was also dismissed vide judgment and decree dated 05.2.1995 and the judgment and decreed passed by the trial court was confirmed.

4. Feeling aggrieved by the aforesaid Judgments and decree, this second appeal has been preferred by the plaintiff/appellant.

5. Having considered the arguments advanced by the learned counsel for the appellant and after perusal of the evidence on record , I am of the view that, this second appeal is concluded by concurrent finding of facts, I , therefore, do not find any ground to interfere in the impugned judgments and orders passed by the courts below. Both the courts below have recorded concurrent finding of fact which cannot be interfered at the stage of second appeal. I also do not find any substantial question of law involved in this case.

7. The second appeal lacks merit and is liable to be dismissed.

8. Accordingly, the second appeal is dismissed in-limine.

(B.C Kandpal, J.)

09.10.2006

ASWAL